

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D. C. 20231

APL/JHU Docket No. SPL-53

In re application of  
R. E. Fischell

Serial No. 34,155

Filed: April 27, 1979

Art Unit: 335  
Examiner: F. Jaworski

For: Implantable Programmable  
Medication Infusion System

#26  
C. B. Black  
1/29/82

SUMMARY OF INTERVIEW

The Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 CFR Section 133(b) and Section 713.4 of the Manual of Patent Examining Procedure, this Summary is being filed of an Interview which was conducted on October 15, 1981. The above-noted Examiner and the undersigned, who appeared on behalf of the attorney-of-record, were in attendance. The Interview was requested because the undersigned recently assumed responsibility for prosecution of the present application and both the Examiner and the undersigned felt it would be beneficial to conduct an interview to familiarize the undersigned with the intention of the original restriction requirements in the application and the scope of the restricted subject matter.

The restriction was discussed and it was stated by the Examiner that, in his opinion, the elected subject matter pertains to a programmable infusion system for providing medication to a living body wherein the system includes an infusion apparatus that is implanted, the infusion apparatus

being capable of effecting communications for at least purposes of varying operational parameters of the implanted apparatus, as commanded from an external command source.

A discussion then ensued regarding what the Examiner perceived as the scope of the subject matter of the claims the Examiner had previously indicated allowable if placed in independent form. The three areas of allowable subject matter discussed pertain to the distinctive alarm system of the present invention, the rate inhibition feature of the present invention and the recording of pump operation feature of the present invention. It was agreed that independent claims would be drafted to each of these features, including recitations placing the inventions in the common environment of the elected invention, deleting non-essential limitations, and that suitable dependent claims also addressing these features would be drafted. The undersigned then suggested that the present invention was amenable to a recitation not limited to these allowable features and the Examiner agreed that he would consider such a claim. It was agreed that such a claim would be drafted and would be presented to the Examiner by telephonic interview so that the allowability of such a claim could be negotiated. The undersigned then stated that he would like to take each of the features presented in the application, both as to the elected and non-elected invention and claim these features in dependent claims depending from the independent claims which were to be submitted. The Examiner agreed that recitation of these features of the invention in dependent form depending from the three independent claims addressing allowable subject matter and whatever other claims would also be submitted, would be acceptable for examination.

It was then agreed that for ease of examination that all of the claims presently in the application would be cancelled and

an entirely new set of claims, as previously outlined, would be submitted. The Examiner stated he would examine these claims when filed.

The undersigned wishes to note the careful and thoughtful consideration the Examiner has given to the present application and wishes to thank him for his courteous and helpful continuing consideration of the merits of this application.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Samuel Louis Sachs".

Samuel Louis Sachs  
Registration No. 28,356

(301) 953-7100, Ext. 7605